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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,632	12/21/2001	David G. Wang	108827-129CON	1497

23483 7590 03/23/2005

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BOSTON, MA 02109

EXAMINER

BEHREND, HARVEY E

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application/Control No. <i>10/027632</i>	Applicant(s) <i>Wang</i>	
	Examiner <i>Behrend</i>	Art Unit <i>3641</i>	

This is a FINAL action

An examination of the above identified application indicates that it does not comply with 35 U.S.C. 112 because:

1. ☒ The specification does not contain a written description of the invention, and the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same. (See attached sheet(s)).
Accordingly, claim(s) 1 is/are rejected under 35 U.S.C. 112, first paragraph, as being based on an insufficient disclosure, *for the reasons set forth in the 2/25/04 Office action*
2. ☐ The specification does not set forth the best mode contemplated by the inventor for carrying out the invention. (See attached sheet(s)).
Accordingly, claim(s) _____ is/are rejected as being based on an insufficient disclosure.
3. ☐ The claims do not particularly point out or distinctly claim the subject matter which the applicant regards as the invention. Specifically claim(s) _____ is/are rejected as failing to comply with 35 U.S.C. 112, second paragraph. (See attached sheet(s))

Other: failure to overcome the objections to the specification set forth on pages 2 and 3 of the 2/25/04 Office action.

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted in this action is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a). The Request for a Statutory Invention Registration will not be given further consideration until the application is amended to be in compliance with 35 U.S.C. 112.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 2 <input type="checkbox"/> Notice of Informal S.I.R. Request |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 4 <input type="checkbox"/> Examiner's Amendment/Comment |
| 5 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ | 6 <input checked="" type="checkbox"/> Other <u>explanation</u> |

1. Claim 1 is rejected under 35 USC 112, first paragraph, for the reasons set forth in the 2/25/04 Office action.

Applicants arguments set forth in the response filed 5/27/04 have been considered but are found not persuasive.

The portion of the specification quoted on page 4 of the 5/27/04 response, does not refer to the examples of "forensic analysis of blood or semen samples, or in paternity analysis", referred to in applicants arguments.

Applicants response failed to submit any reputable documentary evidence to support the allegation on said page 4, that "not only is identification of a person based on their genetic sequences a specific, substantial, and credible utility, it is also a well-known utility, and is routinely done by forensic and medical laboratories throughout the world."

Unsupported allegations are clearly not persuasive.

2. It is noted that the objections to the specification (set forth under the heading "Specification") on pages 2 and 3 of the 2/25/04 Office action, have not been overcome.

Accordingly, the subject matter of this application is not considered as appropriate for publication (37 CFR 1.294 (a)(2)) nor, do the application papers meet the requirements for publication (37 CFR 1.294 (a)(2)). Note that this is considered a FINAL REFUSAL since applicant did not correct said previously noted deficiencies (objections). If applicant is dissatisfied with this FINAL REFUSAL, applicant (within the three month period for response) may file a petition with fee under 37 CFR 1.295 (a). This period may be extended under 37 CFR 1.136. If a petition is not filed within the

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period for response, the application will be abandoned for failure to respond under 37 CFR 1.135.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached on Tuesday to Friday.

It attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose the telephone number is (703) 306-1113.

A handwritten signature in black ink, appearing to read 'H. Behrend', with a long horizontal line extending to the right.

Behrend/vs
March 10, 2005

HARVEY E. BEHREND
PRIMARY EXAMINER